

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD McNAMARA,) No. C 07-3410 JSW (PR)
Plaintiff,)
v.)
DAVID L. RUNNELS, WARDEN,) **ORDER OF DISMISSAL**
Defendants.) (Docket no. 1)

On June 29, 2007, Plaintiff filed a motion seeking appointment of counsel without including a complaint (docket no. 1). On that same date, the Clerk notified Plaintiff that he had not paid the filing fee and that he must either pay the filing fee or a complete application to proceed *in forma pauperis* in thirty days or the action would be dismissed. The Clerk of the Court also notified Plaintiff that if he did not submit a complaint or petition within thirty days, the action would be dismissed. Plaintiff has not filed a complaint or petition and he has not completed the application to proceed *in forma pauperis* or paid the filing fee. Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file, terminate the motion as moot (docket no. 1) and enter judgment in this matter.

IT IS SO ORDERED.

DATED: October 25, 2007

Jeffrey S White
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDWARD McNAMARA,

Case Number: CV07-03410 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

PEOPLE OF STATE OF CA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 25, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward McNamara D40066
CCC Susanville
P.O. Box 2400
Susanville, CA 96127-2400

Dated: October 25, 2007

Jennifer Ottolini
Richard W. Wiking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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